

Serial No.: 08/541,191
Filed: October 11, 1995

REMARKS

The Commissioner is authorized to charge any additional fees, including any extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-62629/RFT/RMS).

Claims 1-4, 6-10, 12-13, 16 and 22 are provisionally rejected under 35 U.S.C. §101 as claiming the same invention as claims 1-8, 12 and 21-23 of copending application U.S.S.N. 08/321,552.

Claims 5, 11, 14-15, and 17-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentably over claims 9-11, 24-27, and 35-38 of copending application U.S.S.N. 08/321,552.

Since the provisional double patenting rejections are the only rejections remaining in the application, applicants respectfully remind the Examiner that application should be permitted to issue as a patent. The Examiner's attention is respectfully drawn to MPEP §804(I)(B):

If the "provisional" double patenting rejection in one application is the only rejection remaining in the application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

The undersigned notes that she contacted Richard Schwartz, a biotech patent specialist in the patent office, to verify that if provisional double patenting rejections are the only rejections remaining in the case, the case should proceed to issuance. Mr. Schwartz indicated that if the Examiner had any questions to this effect, the Examiner should contact him.

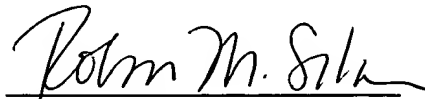
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There is no further action the applicants may make, and the claims are now in condition for allowance and an early notification of such is solicited.

If the Examiner feels that there are further unresolved issues after review of this response, the Examiner is invited to call the undersigned at (415) 781-1989.

Respectfully submitted,

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